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 300-Year SNF Disposal, DRI &  
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William D. Peterson

*Plaintiff,*

v.

THE UNITED STATES,

*Defendant,*

MOTION for COURT ORDER

Case No. 11-381C

(Senior Judge Bruggink)

**01) It is expedient that there be a solution for Spent Nuclear Fuel**

**02)** The U.S. Court of Appeals for the District of Columbia Circuit's July 9<sup>th</sup>, 2004, **03)** order in Case No. 01-1258 says spent nuclear fuel (SNF) disposal is the responsibility of the U.S. Environmental Protection Agency (EPA), **04)** but EPA must consider recommendations of the National Academies of Sciences (NAS). **05)** EPA and NAS are not doing this as the Appeals Court ordered.

**06)** For years, **07)** instead, **08)** the U.S. Department of Energy (DOE) has been shouldering the responsibility for SNF disposal. **09)** This is wrong. **10)** The Appeals Court

ordered that EPA is charged by the Congress with the disposal of SNF, <sup>11</sup>)not DOE. <sup>12</sup>)Neither EPA, <sup>13</sup>)or DOE have recognized their rightful mandate from the Congress, <sup>14</sup>)and neither have been working on SNF disposal in the responsible manner which the Congress required, <sup>15</sup>)according to the Court's.2004 order. <sup>16</sup>)NAS has not been given charge to be responsible to make recommendations, <sup>17</sup>)as the Appeals Court ordered in 2004. <sup>18</sup>)Since the order NAS responsibility to study and make recommendations has not been invoked.

<sup>19</sup>)Peterson rightfully began work on SNF disposal by the Congress ordered invitation of the Nuclear Waste Negotiators, <sup>20</sup>)in 1987 David Leroy under President Bush, <sup>21</sup>)and in 1991 Richard Stallings under President Clinton. <sup>22</sup>)Peterson offered Pigeon Spur, <sup>23</sup>)initially around a \$3 billion project, <sup>24</sup>)since then with his 300-year permanent SNF underground disposal method, <sup>25</sup>)an around a \$6 billion project. <sup>26</sup>)In a dozen proposals Peterson has asked for preliminary work totaling around \$600 million. <sup>27</sup>)All have been turned down by the wrong reasons, <sup>28</sup>)that DOE is responsible, <sup>29</sup>)and Yucca Mountain (YM) is DOE's only option, <sup>30</sup>)and turned down by the wrong Government Agency, <sup>31</sup>)DOE instead of EPA.

<sup>32</sup>)DOE has not obtained input suggestions from NAS as the Appeals Court required in 2004. <sup>33</sup>)DOE has wrongly assumed SNF responsibility, <sup>34</sup>)when it was EPA's responsibility, <sup>35</sup>)according to the 2004 Appeals Court order, <sup>36</sup>)and DOE wrongly committed to YM when it was a difficult, <sup>37</sup>)even impossible, <sup>38</sup>)bad concept, <sup>39</sup>)and not recommended by NAS. <sup>40</sup>)Now with EPA being responsible, <sup>41</sup>)the Government is getting nothing done, <sup>42</sup>)and plans to do nothing, <sup>43</sup>)and it is returning the

Nuclear Waste Deposit (NWD) fund for doing the work, 44) to the nuclear utilities.

45) The fund should be being used by Peterson to dispose of SNF, 46) as for which the fund was intended to be used. 47) for 20+ years only Peterson has rightly been pursuing solutions for SNF, 48) by the mandates of the Congress, 49) and the Appeals Court.

50) Peterson's 300-year SNF permanent disposal solution will work. 51) The Congress needs an opinion from NAS of Peterson's 300-year solution. 52) Peterson moves that a NAS study be ordered by the Court, 53) considering the work that Peterson has done.

54) Peterson moves for usage of the NWD fund, 55) part of it, 56) as the fund should have been controlled and put to use by EPA; 57) except EPA has not assumed that responsibility. 58) So it is now wrong for DOE to now be returning the NWD fund to the Nuclear Utilities. 59) DOE does not rightfully have cognizance over that fund. 60) EPA has not accepted cognizance. 61) In his proposals, 62) Peterson has ask for cognizance, 63) at least part of it. 64) Peterson moves that he have cognizance over the NWD fund.

65) EPA has not accepted responsibility, 66) Peterson asks for responsibility of the NWD fund. 67) Where DOE has assumed a responsibility to do storage of SNF in YM. 68) But now YM has been taken out of consideration, 69) and the DOE is not pursuing anything else. 70) In fact, 71) in 50 lawsuits in this the U.S. Court of Federal Claims, 72) the Nuclear Waste Fund (NWF) set up by the Congress for collecting money for SNF disposal, 73) the NWF with damages is being returned to the nuclear utilities, 74) by way of the DOE. 75) Peterson moves that the Court find that the NWD fund is not actually under the cognizance of the DOE, but EPA.

76) Nuclear power is an American development. 77) It is right that the U.S. should take and have responsibility for how SNF is disposed of. 78) The Congress rightly set up the Global Nuclear Energy Partnership (GNEP) for the World's need to dispose of nuclear wastes. 79) The U.S. contracted with some 23 other countries to take and dispose of their nuclear waste, 80) but that program has gone by the wayside because the U.S. has no plan and no place to dispose of the nuclear material it contractually obligated itself to do, 81) for the whole World. 82) The demise of the GNEP program has a huge downside, 83) including only using 2% of the world's nuclear fuel and wasting 98% of this extremely valuable resource for energy. 84) In addition this leaves the threat that down the road, 85) aggressive nations could get their hands on stored SNF at places around the globe and set up processing and produce weapons grade plutonium and uranium, 86) and reign terror on the World.

87) The curtailment of YM leaves the whole World hanging for what to do with SNF. 88) Some countries are still proceeding to do deep geological burial as exemplified by YM, 89) but that was a bad lead and will just get them into deeper trouble. 90) SNF is 96% uranium and 1% transuranics, 91) which are potentially nuclear fuel. 92) It was wrong for the U.S. to lead other nations into geological burial for SNF, 93) when geological burial of SNF was not a good plan.

94) For the United States to become energy independent from buying foreign oil it will require the U.S. manufacturing its own fuel. 95) Hydrogen (H<sub>2</sub>) can be obtained from separation of water with nuclear energy. 96) This may be the only option. 97) Where the U.S. is not producing the fuel it needs, 98) and has no plan as to even how it will do

it, <sup>99</sup>American scientists, particularly the scientists of the NAS should be working on developing methods and plans for getting H<sub>2</sub> for fuel, <sup>100</sup>and future nuclear power to manufacture the H<sub>2</sub>. <sup>101</sup>Today the U.S. is spending \$2 + billion dollars per day to import oil, <sup>102</sup>which the world is running out of. <sup>103</sup>This is American deficit. <sup>104</sup>DOE and EPA have dropped the ball. <sup>105</sup>Peterson has proposed a method and a 300-year plan for SNF disposal. <sup>106</sup>It needs to be ordered that Peterson's plan proceed with all haste. <sup>107</sup>It needs to be ordered that NAS proceed with all haste. <sup>108</sup>It needs to be ordered to put a hold on the returning of the NWF to the utilities, <sup>109</sup>and some of that money needs to be applied to pay for Peterson and NAS costs to, <sup>110</sup>with all haste solve the SNF disposal issue. <sup>111</sup>Peterson so motions.

<sup>112</sup>The Congress is under pressure to get borrowing, and spending under control. <sup>113</sup>If the U.S. economy is confined to the U.S. it is under control. <sup>114</sup>If the U.S. economy is to be a worldwide economy, as it is now, it cannot be controlled by the U.S. and its Government.

William D. Peterson, 1990

<sup>115</sup>So Peterson moves for judgment now, as soon as possible, <sup>116</sup>for an order that the National Academies of Science (NAS) review, <sup>117</sup>evaluate, <sup>118</sup>and make recommendations relative to Peterson's work, <sup>119</sup>that this be done as expeditiously as possible. <sup>120</sup>Peterson's studies of the U.S. economy twenty

years ago found the American way of unlimited commerce made the U.S.

economy flawed and impossible to continue. <sup>121</sup>Peterson determined that unless

it was fixed by balancing trade, <sup>122</sup>it was destined for bankruptcy and its failure

would bankrupt most of the World=s free economies. <sup>123</sup>America's not having its

own oil for fuel has made almost half the national deficit.

<sup>124</sup>The way things are now, <sup>125</sup>printing a lot of money now and plowing it into the American economy, <sup>126</sup>will accelerate the enlargement of the U.S. deficit

<sup>127</sup>and end up crippling nations which the U.S. imports from with money of questionable value.

<sup>128</sup>The American public does not understand the U.S. economy. <sup>129</sup>To fight the concept of unionizing many Americans buy foreign cars. <sup>130</sup>It's now to the

point the general consensus of America is that foreign cars are better than the

American made big three. <sup>131</sup>See accompanying recent article **"Don't Buy**

**American"**.

132) A return to "Made in America" is now a necessity for U.S. workers  
 133) and what America's purchases, 134) and also required to keep dollars in the  
 economy. 135) All countries of the World must have its workers employed 136) and  
 its coin in its own economy's circulation, 137) the commerce providing its revenues.  
 138) Countries will have to work together, 139) protect each other, 140) and pitch in  
 together to help nations that are down and not able to provide for themselves.  
 141) The one single biggest problem situation is imploration of oil. 142) The oil rich  
 nations have been good at buying goods and services back with its money from  
 oil sales. 143) But the U.S. has exported its ability to produce so the U.S. can no  
 longer participate in importing oil, 144) except by massive deficit.  
 145) The World has an "Ace", 146) each country can have its own nuclear  
 power and with that energy can manufacture hydrogen for its fuel. 147) Otherwise  
 there will have to be a lot of charity and forgiveness. 148) The idea of being able  
 to buy anything from anywhere cannot continue. 149) These concepts from

Peterson must be understood and changes made this direction as quickly as possible. 150) A credible report from the NAS is needed as quick as possible.

151) Since WW II things have been going the wrong direction. 152) Now our imbalance of trade and deficit are accelerating the wrong way faster than ever.

153) With the big need for nuclear power, 154) the World has to have a spent nuclear fuel (SNF) disposal solution. 155) Peterson is proposing a good scientifically based solution. 156) An opinion of Peterson's solution is needed ASAP from the NAS.

157) SNF can be and must be processed and disposed of by our 300-year solution.

158) The Congress is under great pressure to get spending and borrowing under control. 159) But at this stage, 160) budgeting the current system that can't work is a futile way to fix it. 161) The system must be fixed fundamentally, 162) up front, 163) not the back end. 164) The system has to be changed so that it can work.

165) America's banking, manufacturing, 166) and commerce has to be brought back



to America and be controlled to operate in America <sup>167)</sup>so that America=s needs are provided by America.

<sup>168)</sup>The FED has ammo to make the economy continue: <sup>169)</sup>But the citizens of the United States and particularly its Congress must realize that if the U.S. continues to be the market place for the production of the World, <sup>170)</sup>the dollars the FED prints to maintain the U.S economy <sup>171)</sup>are also those dollars that maintain the World's industry, <sup>172)</sup>and as the dollars come back to America to be redeemed, <sup>173)</sup>America will fall prey to the rest of the World and will be pillaged for its things of value until it is ravaged to its end.

<sup>174)</sup>Twenty-three years ago, <sup>175)</sup>in theory Peterson tracked all the cash flow of American commerce. <sup>176)</sup>It took Peterson a year and one half for him to come up with a way that all American workers could be grouped into industries <sup>177)</sup>and services, <sup>178)</sup>including governments, <sup>179)</sup>so that money flow could be mapped.

<sup>180)</sup>With his groupings, <sup>181)</sup>he then made a model, <sup>182)</sup>and from it showed the flaws

in the economy that made it impossible to continue. <sup>183</sup>Basic resources generated value. <sup>184</sup>Then imbalance of trade took America's generated value out of the U.S., <sup>185</sup>taking its U.S. printed dollars. <sup>186</sup>So the U.S. treasury is caught in the middle.

<sup>187</sup>From 1990 to 1995, <sup>188</sup>Peterson tried to get members of the Congress to realize the situation, <sup>189</sup>but they either did not understand what Peterson was telling them <sup>190</sup>or just refused to listen, <sup>191</sup>or probably were unwilling to try to change the commerce freedom that they had given to America and the World. <sup>192</sup>America cannot be the market for the production of the World, <sup>193</sup>as is now happening. <sup>194</sup>Today the imbalance of trade deficit is rising at a rate of upwards of six billion dollars per day. <sup>195</sup>It is impossible for this to continue.

<sup>196</sup>Peterson moves that the Court act immediately to get NAS studies done of Peterson's work as quickly as possible <sup>197</sup>to recommend what is required to get the economy turned aground <sup>198</sup>as quickly as possible.

<sup>199</sup>) The Congress needs a basis to make movements in America's commerce to fix the economy <sup>200</sup>) and make a solution for new energy, <sup>201</sup>) including providing some solution for the spent nuclear fuel situation <sup>202</sup>) are to the point of desperation. <sup>203</sup>) These things now in limbo are costing America upwards of \$6,000,000,000 (six billion dollars) per day.

<sup>204</sup>) It is a good and prudent path to find a way of fixing these issues now, <sup>205</sup>) by putting the best minds in America to work on these things in the laboratories of the National Academies of the Sciences. <sup>206</sup>) Peterson and his group of scientists have worked on these issues for 20 + years and now make realistic, <sup>207</sup>) good, and <sup>208</sup>) sound proposals for how to do these things. <sup>209</sup>) It is prudent that America pursue a promising solution for SNF disposal. <sup>210</sup>) So here is a basis for our government to have the NAS to see these issues, <sup>211</sup>) where it is so difficult for the Congress to see the science of this analytically, <sup>212</sup>) considering its horrendous political ramifications. <sup>213</sup>) Peterson so moves.

<sup>214</sup>) Even if Peterson is wrong, <sup>215</sup>) it's still a good place to start, <sup>216</sup>) and maybe even a place it can conclude. <sup>217</sup>) So it is prudent that the U.S. system of seeing issues <sup>218</sup>) and it would be making progress to study and trying to fix them, <sup>219</sup>) have this Court order the seeing of Peterson's four proposed studies by the NAS, <sup>220</sup>) and also have Peterson's group go to work, <sup>221</sup>) and not waste time towards having some solution for national storage of SNF, <sup>222</sup>) doing this by funding Peterson's group to go to work <sup>223</sup>) for the third time to license the Pigeon Spur solution for a place where the nation's SNF can be put.

224) It needs be that this Court put these issues to NAS because 225) they are issues that the Congress have not been able to deal with 226) and still cannot. 227) On the economy 228) Senator Orrin Hatch=s determination to give Americans freedom in their commerce is a stand that politically 229) the Congress can=t turn about face from what they have done. 230) And nuclear power scares them. 231) Since the Court of Appeals July 9, 2004, order in Case No. 01-1258, 232) EPA, 233) DOE, and 234) NRC have not been able to approach curing the SNF problem at all in the manner 235) where the Court ordered 236) that they work with NAS.

237) On the other hand, 238) for 23 + years Peterson has no restriction for how to do disposal of SNF, 239) so has been able to come up with the 300-year solution, 240) where in, 241) those who know and understand it like it, 242) including INL, 243) who still being without the freedom of Peterson and the stigma of the Congress, 244) have been developing 5-9 separation processes.

245) Peterson has challenged the Court=s returning of the Nuclear Waste Deposit (NWD) fund to the Utilities 246) vs. putting it to work again. 247) Peterson challenges the Constitutionality of our Government=s deficit. 248) These are issues that the Congress would have difficulty in seeing. 249) Economically and with the situation of fuel 250) our nation is in great difficulty to the tune of \$6 billion per day. 251) It makes much sense to take \$52 million from the Nuclear Waste Fund now and 252) work with all haste to try to see a way to fix the fuel and economy issues. 253) Peterson so motions

for this Court to order funding for Peterson to do that.

254) Dated this 27<sup>th</sup> day of July.

William (Bill) D. Peterson II, P.E., M.S. N.E., O.R.A.

CERTIFICATE OF SERVICE

<sup>255</sup>On the 22<sup>nd</sup> an advanced copy, <sup>256</sup>and on the 24<sup>th</sup> of July 2011, <sup>257</sup>a copy of this pleading was electronically sent to Ms. Mariana Teresa Acevedo, Trial Attorney for the U.S.A. and on the 27<sup>th</sup> day of July, 2011, <sup>258</sup>a paper copy was sent by U.S. express mail to Ms. Acevedo and <sup>259</sup>an original and two copies were likewise mailed to the Court.

William (Bill) D. Peterson II, P.E., M.S., N.E., O.R.A.

## **Energy and Capital**

### **Don't Buy American**

**By Christian A. DeHaemer | Thursday, July 21st, 2011**

I don't know anyone who wants to buy a new General Motors (GM) car.

The automaker is controlled by the government and the unions, and it went bankrupt last year. It reminds me of United Airlines, which goes bankrupt twice a decade (buy UAL puts if it breaks \$20 to the downside).

It is always a good idea to short bad companies. And one of the worst companies out there is Government Motors.

Last week, it was reported that big trucks are jamming up the dealer lots; big trucks have the highest profit margin for GM.

The Chevrolet Silverado and the GMC Sierra full-sized trucks were sitting on lots an average of 122 days at the end of June. Car companies aim for inventory to sit around for 60 to 70 days. The average last year was 99 days, according to *Ward's Auto*.

One look at the numbers and it becomes clear that GM can't sell the vehicles it has and is stuffing the dealers...

*Zero Hedge* is reporting the inventory-to-sales ratio for the car industry just surged to 1.62, a level not seen since the summer of 2009. That's a 16.55% increase — the biggest percentage jump in the inventory-to-sales ratio in history.

In other words, no one is buying cars.

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### **The Best Stock Pick of the Last Quarter-Century?**

Most analysts never uncover a 1,000% gainer in their entire lives...Yet that's just what *Crisis & Opportunity* editor Chris DeHaemer did last year.

Some sources have called it "the best pick they've ever seen". We call it money in the bank.

Either way, this thing's about to run up *yet again* — so I suggest you get the [full details here](#). Most analysts never uncover a 1,000% gainer in their entire lives...

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Either way, this thing's about to run up *yet again* — so I suggest you get the [full details here](#).

And yet last week, GM stock was at the top of its range at \$32 a share.

I immediately put out an option trade. My readers took profits of up to **105% in five trading days**.

This is precisely why I created a financial trading service called *Crisis and Opportunity*. My readers and I buy fear and sell greed.

This is "blood-in-the-streets investing," pure and simple.

The 19th century banking magnet Baron Von Rothschild is credited with saying, "The time to buy is when blood is flowing in the streets, even if it's your own." He made a fortune buying Paris real estate after Napoleon's defeat at Waterloo.

The idea is quite simple: When everyone is selling and no one is buying, the price must be low. Furthermore, when the buyers return — and buyers always return to true value — they will pay a premium as they rush back in.

*Crisis and Opportunity* will coolly buy when others sell in panic... and sell back to them when the herd changes direction and tells each other, "Now is a smart time to buy."

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### **"Too-Good-To-Be-True" Silver Investment is Back**

A couple months ago, I outlined a unique way for you to collect 10 ounces of silver for FREE...

Well, to put it simply, we had to shut the offer down after a short time due to a mad rush of folks who understood just how lucrative this opportunity was.

I wasn't planning on ever opening this offer again, but thanks to my special silver connection, [I'm currently able to accept a handful of more folks](#).

Supply is extremely limited. And this time — once the silver is gone — I can promise you this offer will be off the table for good.

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Your humble editor will take any [plane](#), Soviet chopper, or [steed](#) to anywhere on earth if it means you will be the first in on extraordinary opportunities.

In 2010, I told my readers to buy what was to become the best-performing market in the world: Mongolia — up 120% in dollar terms.

That same year, the C&O portfolio was up 330% on an annualised basis, with many big winners coming from quick trades. (As I already mentioned, I booked up to 105% from Government Motors (GM) puts in five trading days.)

The Stock Gumshoe, a well-read reviewer of investment newsletters, is on record as saying *Crisis & Opportunity* produced

the best-performing stock pick he has ever written about:

*One of the all-time best-performing ideas in the history of stock teasers, right up there with Netflix and Skyworth Digital, came to us from Christian DeHaemer as the first salvo in the enthusiastic battle of Mongolia's resources.*

This was a small, unknown oil company that went up 1,059% from the time it was recommended to investors just like you at 18 pence. That's like \$0.36.

*Crisis & Opportunity* sold half the position for a 759% gain, and is now buying more for the next leg up.

My service uses a top-down approach to investing. Once you understand the macro situation, you drill down to the essence, the core... the pure, unadulterated profit opportunity.

In today's market, the way to make money is to avoid fiat currencies and the money printers, and seek out hard assets.

The cheapest hard assets — oil, coal and gold — are located in unseemly places most Wall Street brokers won't visit; they don't want to put down their banana-nut bagel or leave their sexy assistants to go to the hard places of the world.

Not only will I go to places most have never heard of, but I will get there first and with the most.

If you are fine making 4% a year off of mutual funds, or 0.25% a year off of CDs, then you need to stop reading now. Get out, leave.

On the other hand, if you have the head to coolly buy from those who panic and sell to fools who *think* they are smart... if 1,000%-plus profits are important to you... you want to be a *Crisis and Opportunity* member.

